

## SENATE BILL No. 560

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-15-17.

**Synopsis:** State employee leave transfer program. Establishes a state employee leave transfer program to allow an employee of the executive, legislative, and judicial branches of state government to transfer excess vacation leave to another employee who works for the same state agency.

**Effective:** Upon passage; July 1, 2007.

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January 23, 2007, read first time and referred to Committee on Rules and Legislative Procedure.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 560

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 4-15-17 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2007]:

4       **Chapter 17. State Employee Leave Transfer Program**

5       **Sec. 1. This chapter applies to an employee of a state agency.**

6       **Sec. 2. As used in this chapter, "department" refers to the state**  
7       **personnel department established by IC 4-15-1.8-2.**

8       **Sec. 3. As used in this chapter, "employee" means a person who**  
9       **is employed full time by a state agency.**

10       **Sec. 4. As used in this chapter, "employer" means the state**  
11       **agency that employs an employee.**

12       **Sec. 5. As used in this chapter, "family member" means any of**  
13       **the following:**

14               (1) Spouse.

15               (2) A parent, including a step parent or parent-in-law.

16               (3) A child, including a stepchild, a foster child, an adopted  
17               child, or a ward.

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(4) A sibling, including a stepsibling, half sibling, or sibling-in-law.

(5) A grandparent.

(6) A grandchild.

(7) The spouse of an individual listed in subdivisions (2) through (6).

(8) An individual who lives in the same household with the employee.

Sec. 6. As used in this chapter, "leave donor" means an employee whose application to make one (1) or more donations of leave under this chapter is approved.

Sec. 7. As used in this chapter, "leave recipient" means an employee whose application to receive one (1) or more donations of leave under this chapter is approved.

Sec. 8. As used in this chapter, "medical emergency" means a medical condition of an employee or a family member of an employee that is likely to:

- (1) require a prolonged absence by the employee; and
- (2) result in a substantial loss of income to the employee, because the employee has exhausted all of the employee's vacation, sick, personal, compensatory, and other paid leave.

Sec. 9. As used in this chapter, "program" refers to the state employee leave transfer program established by this chapter.

Sec. 10. (a) As used in this chapter, "state agency" means:

- (1) an authority;
- (2) a board;
- (3) a branch;
- (4) a bureau;
- (5) a commission;
- (6) a committee;
- (7) a council;
- (8) a department;
- (9) a division;
- (10) an office;
- (11) a service; or
- (12) another instrumentality of the executive, legislative, or judicial branch of state government.

(b) The term does not include the following:

- (1) A state educational institution (as defined in IC 20-12-0.5-1).
- (2) A state elected official's office.
- (3) The state police department.

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1       **Sec. 11. (a) The department shall establish a program for the**  
 2 **purpose of transferring vacation leave earned by an employee of**  
 3 **a state agency to another employee in the same state agency who:**

4       **(1) has a personal or family medical emergency; and**

5       **(2) has exhausted all of the employee's vacation, sick,**  
 6 **personal, compensatory, and other paid leave.**

7       **(b) The department shall administer the program.**

8       **(c) The department may adopt rules under IC 4-22-2 that it**  
 9 **considers appropriate or necessary to implement this chapter.**

10       **Sec. 12. (a) An employee may, by written application to the**  
 11 **employee's employer, request that a specified number of vacation**  
 12 **hours that the employee has earned be transferred to a leave**  
 13 **recipient who works for the employee's employer.**

14       **(b) In any twelve (12) month period, a leave donor may not**  
 15 **donate more than fifty percent (50%) of the vacation hours the**  
 16 **leave donor is entitled to earn. The employee's employer may**  
 17 **waive this limitation in writing.**

18       **(c) The leave recipient may not be the employee's immediate**  
 19 **supervisor.**

20       **Sec. 13. (a) An employee may, by written application to the**  
 21 **employee's employer, request to be a leave recipient. If an**  
 22 **employee is unable to make an application personally, the**  
 23 **employee's personal representative may make the application on**  
 24 **the employee's behalf.**

25       **(b) An application to be a leave recipient must include at least**  
 26 **the following information:**

27       **(1) The proposed leave recipient's name, job title, and grade**  
 28 **or rate of pay.**

29       **(2) The reasons why the leave transfer is needed, including a**  
 30 **brief description of the nature, severity, anticipated duration,**  
 31 **and if it is recurring, the approximate frequency of the**  
 32 **medical emergency.**

33       **(3) If the employer requires, a certification from one (1) or**  
 34 **more physicians or other appropriate experts confirming the**  
 35 **existence of a medical condition that is likely to require a**  
 36 **prolonged absence by the proposed leave recipient.**

37       **(4) Any other information the employer determines is**  
 38 **reasonably necessary in order for the employer to act on the**  
 39 **application.**

40       **(c) If the proposed leave recipient's employer requires more**  
 41 **than one (1) certification under subsection (b)(3), the employer**  
 42 **must ensure that the proposed leave recipient does not pay any**

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expenses associated with obtaining a second or subsequent certification.

(d) Not later than ten (10) business days after the date the employer receives the completed application, the employer shall:

(1) approve or disapprove the application; and

(2) notify the proposed leave recipient, or the personal representative of the proposed leave recipient, of the decision in writing.

Sec. 14. (a) A leave recipient may use the transferred leave only for the medical emergency for which transfer of the leave was approved. The leave recipient may use the transferred leave in the same manner as if the leave recipient had earned the leave.

(b) A leave recipient must exhaust the leave recipient's earned vacation, sick, personal, compensatory, and other paid leave before using any transferred leave.

(c) A leave recipient may substitute transferred leave retroactively for a period of leave without pay that began on or after the date of the medical emergency for which the leave transfer was approved.

Sec. 15. (a) The medical emergency for which a leave transfer was approved terminates on the earliest of:

(1) the date the leave recipient notifies the recipient's employer in writing that the medical emergency no longer exists;

(2) the date the employer determines, after written notice and opportunity for the leave recipient (or the recipient's personal representative) to respond, that the medical emergency no longer exists; or

(3) the date the leave recipient separates from employment with the employer.

(b) A leave recipient may not use transferred leave after the date the medical emergency for which the leave was transferred terminates.

Sec. 16. (a) Any transferred leave not used by a leave recipient before a medical emergency terminates must be returned on a prorated basis to the leave donors who transferred leave to the leave recipient.

(b) A leave donor may elect to donate all or a portion of the unused transferred leave to another leave recipient rather than having the leave returned to the leave donor.

Sec. 17. An employee may not, directly or indirectly:

(1) intimidate, threaten, or coerce;

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1           (2) attempt to intimidate, threaten, or coerce;  
 2           (3) confer, or promise to confer, a benefit on; or  
 3           (4) retaliate against;  
 4 another employee, because the employee contributes, receives, or  
 5 uses leave under this chapter.

6           SECTION 2. [EFFECTIVE UPON PASSAGE] (a)  
 7 Notwithstanding IC 4-15-17-11, as added by this act, the state  
 8 personnel director shall carry out the duties imposed upon the  
 9 state personnel department under IC 4-15-17-11, as added by this  
 10 act, under interim written guidelines approved by the state  
 11 personnel director.

12           (b) This SECTION expires on the earlier of the following:

13           (1) The date rules are adopted under IC 4-15-17-11, as added  
 14 by this act.

15           (2) July 1, 2008.

16           SECTION 3. An emergency is declared for this act.

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